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16m1/TC1600 16G4/TC11a00 CM1-8010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) ATTY.'S DOCKET: HORIUCHI-4
Isao HORIUCHI) Art Unit: 1614
Appln. No.: 09/743,704) Examiner: D. JAOE
Filed: January 16, 2001) Washington, D.C.
For: HAIR GROWTH STIMULANTS) January 13, 2003
) Confirmation No.: 7310
)
) **AFTER ALLOWANCE,
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TECH CENTER 1600/2900

FEB 03 2003

RECEIVED #7

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above- identified application, and any other application relying on the filing date of the above-identified application or cross- referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

[] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[] B. before the mailing date of a first office action on the merits.

[] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

[] i. Counsel certifies that, upon information and belief, each item of information listed herein was either

[] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

[] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

[X] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 CFR §1.97(d) for consideration of this IDS. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180 is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account

No. 02-4035. Counsel certifies that, upon information and belief, each item of information listed herein was either

[X] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

[X] 3. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20). However, a concise explanation of relevance is being provided in the form of the attached Supplemental European Search Report.

[X] 4. Other information being provided for the examiner's consideration follows:

As regards Matsuoka JP'009 applied in the Office Action mailed March 28, 2002, undersigned can now state that such Matsuoka publication is believed to disclose only adding lactobacillus to an extracted component to eliminate the toxicity action of shikimic acid, and does not disclose the features defined in the present invention, especially the culturing of lactic acid bacteria in a culture solution and crushing the cellular walls thereof, followed by removing the residue of the lactic acid bacteria after

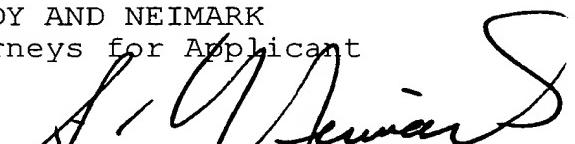
making the crushed walls into a colloid or dissolving same.

5. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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